IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.2053 of 2006

The State of Maharashtra. ... Applicant

vs

Raju Maniyar Yadav and anr .. respondents

Mr P.S.Hingorani, Addl.P.P. for the applicant.
None for the respondents.

CORAM: V.G.PALSHIKAR,Acg C.J. ,&
SMT. NISHITA MHATRE, J.
DATE: SEPTEMBER 12, 2006.

P.C.:

Heard the learned Addl. Public Prosecutor.

By this application the State seeks leave to appeal against an order of acquittal dated 2.2.2006 passed by the learned Sessions Judge, Raigad in Sessions Case No. 112 of 2005.

2. The learned judge has marshaled the evidence correctly and has appreciated the same. He has discarded the evidence regarding last seen together on the ground that the body was found 7 days after they were last seen. Discovery of stone is rejected as it was lying in open and was there when the body was first detected. It was not noticed then. In so far as the shirt

is concerned, it is rejected on the ground that it was not identified as one wore either by the deceased or by the accused. These are cogent reasons for rejecting the evidence on record . There is therefore no error committed by the learned judge. The application for leave rejected.